

## **Wastewater Permitting – Interested Party Review**

### **Draft Revisions to NPDES Permit Rule 3745-33-04**

### **and Pretreatment Rule 3745-36-03**

---

#### **What do these chapters of the OAC cover?**

Chapter 3745-33 of the Ohio Administrative Code (OAC) contains the administrative and technical requirements for writing and obtaining wastewater discharge permits under the National Pollutant Discharge Elimination System (NPDES).

Chapter 3745-36 contains the administrative requirements for permitting industrial wastewater discharges into publicly owned treatment works (POTWs). The rules in this chapter are also known as the Indirect Discharge Permit (IDP) rules.

#### **What rule changes are being considered?**

Paragraph (C)(2) of rule 3745-33-04 and paragraph (G)(2) of rule 3745-36-03 are being removed.

Currently, paragraph (C)(2) of rule 3745-33-04 states, with respect to NPDES permits: “A permit shall not be renewed unless the director determines that the permittee is making satisfactory progress toward the achievement of all applicable limitations and has complied with the terms and conditions of the existing permit.”

Currently, paragraph (G)(2) of rule 3745-36-03 states, with respect to IDPs: “An individual indirect discharge permit shall not be renewed unless the permittee is in substantial compliance with, or has substantially complied with, all of the terms, conditions, and requirements of the effective permit.”

Both of these paragraphs are being removed so that permits may be renewed even if the facility is not in compliance in accordance with revisions to Ohio Revised Code (ORC) 6111.03 in Senate Bill 294, which was signed into law on June 5, 2012.

#### **What additional information is the Agency seeking?**

The Agency wants to hear from interested stakeholders (public, local officials, NPDES permit holders, and IDP

holders) who may be impacted by these rule revisions. General comments and specific factual information are welcome.

In addition to the draft rules amendments, Ohio EPA is also seeking comments and feedback on the draft Common Sense Initiative (CSI) Business Regulation Impact Analysis form, which is being released with these draft rules during interested party review.

#### **How are the amendments formatted in the draft rules?**

Text being considered for deletion is struck through; new text being considered is underlined.

#### **What is the rulemaking schedule?**

At this time, the Agency is soliciting initial input on these draft rule revisions. Ohio EPA is required by Section 121.39(D) of the Ohio Revised Code to contact potentially affected parties prior to adopting rule changes.

At the close of the draft rule comment period, the Agency will review the comments and make necessary changes to the rules. The Agency will then file proposed rules with the Joint Commission on Agency Rule Review (JCARR), the Legislative Service Commission and the Secretary of the State.

At that point, another comment period, including one or more public hearings, will be scheduled. After the close of that public comment period, the Agency will review the comments, make any necessary changes and then adopt final rules.

Ohio EPA expects to file the proposed rules in the spring of 2013. The final rules could be adopted by the summer of 2013.

#### **How can I comment on the draft revisions?**

Please submit your comments in one of the following ways:

By email: [dsw\\_rulecomments@epa.ohio.gov](mailto:dsw_rulecomments@epa.ohio.gov)

# *Wastewater Permitting – Interested Party Review*

*Revisions to OAC 3745-33-04 and 3745-36-03*

---

By fax: 614-644-2745

By postal mail:

Rule Coordinator  
Ohio EPA, Division of Surface Water  
P.O. Box 1049  
Columbus, Ohio 43216-1049

For more information about the draft rules, please contact:

Eric Nygaard  
614-644-2024  
*eric.nygaard@epa.ohio.gov*

**Comments on the draft rule revisions must be received no later than 5:00 p.m. October 29, 2012.**

## **How can I get more information?**

Copies of this fact sheet, draft rules and CSI Form are on the Division of Surface Water website at [www.epa.ohio.gov/dsw/dswrules.aspx](http://www.epa.ohio.gov/dsw/dswrules.aspx).